

REMARKS

In the Office Action¹, the Examiner:

rejected claims 30, 31, 36, 38, 40, 41, 45, and 49-55 on the grounds of non-statutory double patenting; and

rejected claims 30, 31, 36, 38, 40, 41, 45, and 49-55 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 7,254,558 to Hinkle et al. ("*Hinkle*"), in view of U.S. Patent No. 6,989,820 to Baker et al. ("*Baker*") and European Patent Application Pub. No. EP 1,164,519 to Ahmed ("*Ahmed*").

Claims 32-35, 37, 39, 42-44, and 46-48 were cancelled in a previous amendment. Accordingly, claims 30, 31, 36, 38, 40, 41, 45, and 49-55 are now pending in this application, of which claims 30, 54, and 55 are in independent form.

I. Double Patenting Rejections

Applicant respectfully traverses the provisional rejection of claims 30, 31, 36, 38, 41, 45 and 49-55 on the ground of non-statutory obviousness-type double patenting as being unpatentable over copending U.S. Application No. 10/573024. To the undersigned's knowledge, the '024 application is currently pending, and, thus, no double patenting circumstances can arise until a patent is granted. Since a patent has not yet issued from the '024 application or this application, Applicant respectfully requests that the provisional rejection based on the '024 application be held in abeyance and any resolution in the form of a Terminal Disclaimer or otherwise be deferred.

II. Rejection under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 30, 31, 36, 38, 41, 45 and 49-55 as being unpatentable over *Hinkle* in view of *Baker* and *Ahmed*. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008) (internal citation and inner quotation omitted). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III). Here, no *prima facie* case of obviousness has been established for at least the reasons that the office action has neither properly determined the scope and content of the prior art, nor properly ascertained the differences between the claimed subject matter and the prior art.

Independent claim 30 recites a combination including, for example:

¹ The Office Action may contain statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

assigning a **first state** to the selected invoices...; assigning a **second state** to said selected invoices that satisfy [a] condition...; and using the **first state** and the **second state** to control processing of the invoices (emphases added).

Neither *Hinkle*, *Baker*, nor *Ahmed*, whether taken separately or in any proper combination, discloses or suggests at least these elements of independent claim 30. As conceded by the Examiner, *Hinkle* does not teach or suggest “assigning a second state to said selected invoices...; and using the first state and the second state to control processing of the invoices.” Office Action, p. 5. The Office Action asserts that *Baker* overcomes this deficiency of *Hinkle*. This is incorrect.

Baker relates to “[a]n automated administration system for providing state-based control of soft-labeled keys (SLKs) in a wireless terminal or other type of communication system terminal.” See *Baker*, Abstract. In *Baker*, an SLK label indicates the functions associated with a particular SLK. See *Baker*, Col. 4, lines 60-66. A “state transition table” comprises columns for a “current state identifier,” an “SLK No.,” an “SLK Label,” and other various data fields. See *Baker*, Col. 7, lines 9-25, FIG. 5. “[It] can be seen from the FIG. 5 table that the SLKs 1, 2, 3, and 4 have been assigned labels 1A, 1B, 1C, and 1D, respectively, in the state corresponding to SID 1.” See *Id.* Accordingly, the “state transition table” of *Baker* comprises one “current state identifier” for each record of the table. See *Id.*

However, the “state transition table” of *Baker* does not constitute “assigning a **second state** to said selected invoices...; and using the **first state** and the **second state** to control processing of the invoices,” as in claim 30 (emphases added). This is at least because the “state transition table” of *Baker* discloses only **one current state** per

table record. In fact, *Baker* is silent with regard to “assigning a **second state** to said selected invoices,” as in claim 30 (emphasis added), much less “assigning a **second state** to said selected invoices...; and using the **first state** and the **second state** to control processing of the invoices,” as in claim 30 (emphases added). *Ahmed* also fails to cure the deficiencies of *Hinkle* and *Baker* at least because *Ahmed* also fails to teach or suggest, “assigning a second state to said selected invoices...; and using the first state and the second state to control processing of the invoices,” as in claim 30.

For at least the reasons set forth above, the Office has neither properly determined the scope and content of the prior art, nor ascertained the differences between the claimed invention and the prior art. Moreover, the Office Action has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least this reason, no *prima facie* case of obviousness has been established. The rejection of claim 30 under 35 U.S.C. § 103 as being obvious from *Hinkle* in view of *Baker*, and *Ahmed* is thus improper and should be withdrawn.

Independent claims 54, and 55, while differing in their scope, each recite elements similar to those discussed above in relation to claim 30. Thus, for at least the reasons above, independent claims 54 and 55 are allowable over *Hinkle* in view of *Baker*, and *Ahmed*. Applicant respectfully requests the Examiner to withdraw the rejection of claims 54 and 55 under 35 U.S.C. § 103.

In its rejection of claims 31, 36, 38, 40, 41, 45, and 49-53, the Office Action similarly relied on *Hinkle*, *Baker*, and *Ahmed*. But claims 31, 36, 38, 40, 41, 45, and 49-53 each depend from independent claim 30, and thus include all elements thereof. As set forth above, neither *Hinkle*, *Baker*, nor *Ahmed* teaches or suggests at least "assigning a second state to said selected invoices...; and using the first state and the second state to control processing of the invoices," as recited in independent claim 30 and included in claims 31, 36, 38, 40, 41, 45, and 49-53. Thus, the rejections of dependent claims 31, 36, 38, 40, 41, 45, and 49-53, under 35 U.S.C. § 103 are improper and should be withdrawn.

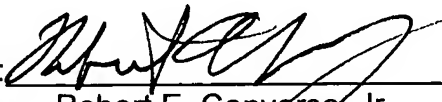
CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and re-examination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Robert E. Converse, Jr.
Reg. No. 27,432
(202) 408-4018

Dated: February 14, 2011